

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

|                                  |   |                               |
|----------------------------------|---|-------------------------------|
| Eclipse IP LLC,                  | ) |                               |
|                                  | ) |                               |
| Plaintiff,                       | ) | <b>Case No. 2:13-cv-00458</b> |
|                                  | ) |                               |
| v.                               | ) |                               |
|                                  | ) | <b>Jury Trial Demanded</b>    |
| Papa John's International, Inc., | ) |                               |
|                                  | ) |                               |
| Defendant.                       | ) |                               |
|                                  | ) |                               |

**UNOPPOSED MOTION TO DISMISS WITH PREJUDICE**

Plaintiff Eclipse IP LLC ("ECLIPSE") and Defendant Papa John's International, Inc. ("PAPA JOHN'S") have agreed to settle all claims for relief asserted by ECLIPSE against PAPA JOHN'S in the above entitled action. Therefore, pursuant to Rule 41 of the Federal Rules of Civil Procedure, ECLIPSE and PAPA JOHN'S respectfully move the Court to dismiss all claims for relief asserted by the parties or which could have been asserted by the parties with prejudice.

WHEREFORE, PREMISES CONSIDERED, ECLIPSE and PAPA JOHN'S request that all claims for relief asserted by the parties or which could have been asserted by the parties are dismissed with prejudice and each party shall bear its own attorneys' fees and costs in connection with this action.

Dated: July 12, 2013

Respectfully submitted,

GILLAM & SMITH, LLP

/s/ Melissa R. Smith

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**CERTIFICATE OF SERVICE**

I hereby certify that counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system on the 12th day of July, 2013 per Local Rule CV-5(a)(3).

/s/ Melissa R. Smith

Melissa R. Smith